

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of RAYMOND HOTCHKISS, JR.  
and RACHEL HOTCHKISS, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DARCY HOTCHKISS,

Respondent-Appellant.

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UNPUBLISHED

June 7, 2007

No. 275529

Sanilac Circuit Court

Family Division

LC No. 06-034768-NA

Before: Davis, P.J., and Hoekstra and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, respondent challenges only the trial court's determination regarding the children's best interests. MCL 712A.19b(5). This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). Clear error has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interests. *Id.* at 344.

Respondent's substance abuse placed her children in danger. Respondent's father, who had sexually abused respondent when she was a child, sexually abused Rachel. Raymond had behavioral issues related to respondent's unstable lifestyle and the domestic violence he witnessed. Although this case was pending for a short time, respondent refused to follow the trial court's orders, choosing to serve jail time rather than complete a substance abuse program and choosing to return to a domestically violent relationship after agreeing not to have contact with her abuser. Respondent admitted that it would be a year before she would be ready to care for her children and that termination was in their best interests so that they would not have false hopes of returning to her and be hurt again. Although the children were placed with their father and not in foster care, the children were badly hurt by respondent's neglect and the trial court did

not clearly err in finding that termination was not contrary to the children's best interests.

Affirmed.

/s/ Alton T. Davis  
/s/ Joel P. Hoekstra  
/s/ Pat M. Donofrio